

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RAFAEL RIVERA,

Plaintiff,

v.

WILLIAM J. MCGAFFEY, ROZELL
TOWNSEND, LINDA ALLEN, LT.
DUNINGTON, K. ARLOW, DOUG
WADDINGTON,

Defendants.

CASE NO. C11-5942 RJB/KLS

ORDER DENYING PLAINTIFFS
MOTION FOR EXTENSION OF
TIME AND ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the Magistrate Judge. Dkt. 56. The court has considered the relevant documents and the remainder of the file herein.

Plaintiff filed a Motion for Extension of Time on September 11, 2013. (Dkt. 68). This is Plaintiff's third motion for extension of time. *See* Dkt. 59; Dkt. 65. Plaintiff was provided sufficient time to file objections to the Report and Recommendation so Plaintiff's Motion for Extension of Time (Dkt. 68) should be denied.

1 On May 30, 2013, Magistrate Judge Karen L. Strombom issued a Report and
2 Recommendation, recommending that Defendants' Motion for Summary Judgment (Dkt. 48) be
3 granted; Plaintiff's Motion for Summary Judgment (Dkt. 51) be denied; and all claims against
4 Defendants be dismissed with prejudice.

5 Plaintiff's Motion for Extension of Time (Dkt. 68) is treated as Plaintiff's objections for
6 the purposes of this review.

7 The court has reviewed the record *de novo*. The court concurs with the Magistrate Judge's
8 thorough and careful analysis of Plaintiff's claims. In addition to the reasons stated by the
9 Magistrate Judge in the Report and Recommendation, Plaintiff's objections are without merit
10 because Defendants' declarations have been available for sufficient time, were made under oath,
11 and largely concur with prison records and other declarations.

12 Therefore, it is hereby

13 **ORDERED** that the court **ADOPTS** the Report and Recommendation (Dkt. 56).
14 Defendants' Motion for Summary Judgment (Dkt. 48) is **GRANTED**; Plaintiff's Motion for
15 Summary Judgment (Dkt. 51) is **DENIED**; Plaintiff's Motion for Extension of Time (Dkt. 68) is
16 **DENIED**; and all claims against Defendants are **DISMISSED WITH PREJUDICE**.

17 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
18 to any party appearing *pro se* at said party's last known address.

19 Dated this 23rd day of September, 2013.

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22 ROBERT J. BRYAN
23 United States District Judge
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